



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 499 (Substitute S-1)
Sponsor: Senator Michelle A. McManus
Committee: Natural Resources and Environmental Affairs

Date Completed: 6-7-05

CONTENT

The bill would amend Part 731 (Recreational Trespass) of the Natural Resources and Environmental Protection Act to prohibit a person from engaging in recreational activity or trapping on another person's property if the property were posted against entry with purple paint marks.

Part 731 prohibits a person from entering or remaining upon another person's property, other than farm property or a wooded area connected to farm property, to engage in any recreational activity or trapping upon the property without the consent of the owner or his or her lessee or agent if the property is fenced or enclosed and is maintained in such a manner as to exclude intruders, or if signs meeting size and visibility requirements are posted in a conspicuous manner against entry.

Under the bill, if identifying purple paint marks were placed on trees or posts around the property, using paint approved for that purpose by the Department of Natural Resources, the property would be considered posted in a conspicuous manner against entry. Each paint mark would have to be a vertical line at least eight inches long, and the bottom of the mark would have to be between three and five feet above the ground. The paint marks could not be more than 100 feet apart and would have to be placed so that they were readily visible to people approaching the property.

The bill also would prohibit a person from placing the purple paint marks on another person's property to prohibit hunting, fishing, trapping, or other recreational activities without the written permission of the owner or his or her lessee or agent.

(A violation of Part 731 is a misdemeanor punishable by up to 90 days' imprisonment and/or a fine of not less than \$100 or more than \$500. If a person is convicted of a second or subsequent violation within three years of a previous violation, the maximum fine is \$1,000 and the court may order that the person's hunting, fishing, or trapping license be revoked and that the person not seek or possess a license for three years. Also, the court must order a person convicted of violating Part 731 to make restitution for any damage arising out of the violation.)

MCL 324.73102 & 324.73105

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no impact on the State and an indeterminate fiscal impact on local governments. There are no data to indicate whether using purple paint marks to designate

a no trespassing area would change the number of offenders who are convicted of a misdemeanor for violating Part 731. Local units incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Penal fine revenue benefits public libraries.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.